

REMARKS/ARGUMENTS

The Office Action mailed February 24, 2004 has been reviewed and carefully considered. Claims 1-6 and 14 are canceled. Claims 7, 10, 11, and 13 have been amended. Claim 15 is added. Claims 7-13 and 15 are pending in this application, with claims 7, 11, and 13 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed February 24, 2004, claims 7-10 and 12 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,734,115 (McMath).

Claims 11 and 13 were found to contain allowable subject matter and would be allowable if rewritten in independent form. In view of the allowable subject matter, claims 11 and 13 are rewritten as independent claims. Accordingly, amended claims 11 and 13 should now be allowable.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a valve for fuel delivery unit. The claims of the present divisional application are drawn to the embodiment of Fig. 2 which includes a housing part which defines a valve seat 15 (see page 10, lines 8-9 of the specification). A closing part 16 is arranged proximate said valve seat 15 and is urged away from said valve seat against a bearing region 17 of latching means 18, 19 (page 10, lines 9-11). As shown in Fig. 2, the housing part 1 is formed as one piece which defines both the valve seat and the latching means 18, 19 (see also page 6, lines 6-9).

Independent claim 7 is amended to recite that the housing part is formed as one piece which defines both the valve seat and the latching means. Support for this limitation is found in original claim 10, Fig. 2, and page 6, lines 6-9 of the specification.

McMath discloses a safety valve 10 having an inlet end 14 and an outlet end 16 (see col. 2, lines 12-14, of McMath). A guide member 40 is arranged between the inlet end 14 and the outlet end 16 (see col. 2, lines 33-35 and Fig. 1). A closure member or ball 38 is held in the guide member 40 and shoulders 54, 56 of the guide member 40 prevent the ball 38 from closing the unit end 14 (see col. 2, lines 37-50). McMath clearly discloses that the guide member 40 is a separate piece from the housing 12 (see Figs. 3-5). Accordingly, McMath does not disclose a housing formed as one piece which defines a valve seat and latching means, as expressly recited in independent claim 7. In contrast, McMath discloses a piece 40 for holding the ball 38, in which the piece 40 is formed separate from the housing and inserted in the bore of the housing (col. 2, lines 33-35). In view of the above amendments and remarks, it is respectfully submitted that amended independent claim 7 is not anticipated by McMath under 35 U.S.C. §102.

Furthermore, there is no teaching or suggestion in McMath that the housing can be made from one piece which defines the valve seat and the latching means, as recited in independent claim 7. Accordingly, it is respectfully submitted that independent claim 7 is allowable over McMath.

Dependent claims 8-10, 12, and 15, each being dependent on one of independent claims 7, 11, and 13, are deemed allowable for the same reasons expressed above with respect to independent claims 7, 11, and 13.

Dependent claim 10 and new claim 15, which depend from independent claims 11 and 13, respectively, recite that the housing is one piece which defines the valve seat and the latching means. These claims read on the embodiment of Fig. 2. Support for the limitations is found in original claim 10, Fig. 2, and page 6, lines 6-9, of the specification.

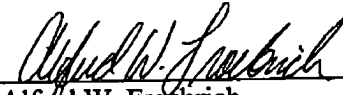
The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By


Alfred W. Froeblich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: May 24, 2004